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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,295

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Paulo LaColla

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1837

20583

7590

12/11/2008

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

EXAMINER

CRUZ, KATHRIEN ANN

ART UNIT

PAPER NUMBER

1617

MAIL DATE

DELIVERY MODE

12/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/806,295	Applicant(s) LACOLLA ET AL.	
	Examiner KATHRIEN CRUZ	Art Unit 1617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,9,12,13,19-46 and 49-65 is/are pending in the application.
- 4a) Of the above claim(s) 8,9,12,13,25 and 26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 58-65 is/are allowed.
- 6) ☒ Claim(s) 19-24,27-46 and 49-56 is/are rejected.
- 7) ☒ Claim(s) 57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 8, 9, 12-13, 19-46 and 49-65 are pending.

Claims 8, 9, 12-13, 25 and 26 are withdrawn.

Applicant's response filed July 1, 2008 has been received and entered in the application.

Action Summary

Applicant's arguments, filed July 1, 2008, with respect to the rejection(s) of claim(s) 19-24, 27-46 and 49-65 under 35 U.S.C. § 112 First Paragraph have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Williams (EP 0530907) of record.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

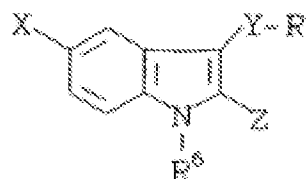
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 19-24, 27-46 and 49-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams (EP 0530907) of record.

Instantly claimed compounds and the method of treating HIV are disclosed at page 3 and abstract of Williams. At page 3, see the Formula A. The compounds for the treatment of HIV are depicted below:



X is -H, -Cl, -F, -Br, -NO₂, -CN, or -OR₂;

Y is "S(O)ⁿ", "CR₂R~" or -O-, wherein n is zero, 1 or 2;

R is

1) hydrogen,

2) -C~salkyl, unsubstituted or substituted with one or more of:

a) -O¹ -salkyl,

b) -C~ -s alkoxy,

c) -OH, or

d) **aryl**, unsubstituted or substituted with one or more of:

i) -C₁₋₅; -s alkyl,

ii) -C₁₋₅; -s alkoxy,

iii) -OH, or

iv) halogen,

Z is

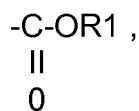
1)

-C-NR²R³,

II

W,

wherein W is O, S, -N-CN or -N-OR',
2)



R² is hydrogen or , C₁₋₃ alkyl and R³ is hydrogen, C₁₋₅ alkyl, aryl, or heterocycle.
R⁶ is hydrogen. (page 3-6).

The claimed compounds for the treatment of HIV is fully met when x is -H, -Cl, -F; Y is
S(O)_n; R is aryl; and Z is -C-NR²R³ and W is O or S



Therefore, the claimed subject matter is fully anticipated by the cited reference.

Allowable Subject Matter

Claim 57 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 58-65 are allowable and free of art.

Conclusion

Claims 19-24, 27-46 and 49-56 are rejected.

Claims 57-65 are allowable.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHRIEN CRUZ whose telephone number is

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(571)270-5238. The examiner can normally be reached on Mon - Thurs 7:00am - 5:00pm with every Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHRIEN CRUZ/
Examiner, Art Unit 1617

/JENNIFER M KIM/

Primary Examiner, Art Unit 1617